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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/708,220	Applicant(s) KIKINIS ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27, 4/9, 1/31/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8-15, 18-23, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,754,906 to Finseth in view of U.S. Patent 5,745,710 to Clanton.

Regarding claims 1 and 10, Finseth discloses a 3d enabled electronic program guide (Figure 8a/b, column 16, lines 32-34), a user may select the style of the guide they wish to utilize (column 20, lines 57-59).

Finseth fails to disclose a plurality of virtual worlds and a presentation engine, which enables a user to choose a virtual world according to preference.

Clanton discloses a plurality of virtual worlds (Figure 4, archive 71, critics café 92, poster wall 80) and a presentation engine which enables a user to choose a virtual world according to preference (column 8, lines 3-19, 48-column 9, line 64), an intuitive interface which is fun and interesting to use is provided (column 2, lines 30-33).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Finseth to utilize a plurality of words, which a user may select as taught by Clanton, thus providing an intuitive interface, which is fun and interesting.

Regarding claims 2, and 21, Finseth discloses in figure 3, a receiver 64 on which the EPG is run (column 9, lines 59-65, column 11, lines 23-29).

Regarding claims 3 and 22, Finseth discloses that receiver 64 receives EPG information from an EPG data transmitting system (column 5, line 33-38, line 60-column 6, line 38). Finseth inherently includes drivers as drivers are required in order to communicate with a hardware device.

Regarding claims 4, 11, and 13, Clanton discloses a memory in the system, which contains a plurality of objects (column 7, lines 13-18), one class of objects providing the plurality of virtual worlds a user views (column 7, lines 13-18, column 10, lines 26-29).

Regarding claims 5, 15, and 23, Clanton discloses in figure 12, that a user may change channels during a movie (column 11, lines 29-44).

Clanton does not disclose a class of objects describing schedule times, including a channel id or title that may be converted into an actual channel number or program ID.

Finseth discloses a class of objects which includes descriptive language describing schedule times, thus class of objects having a channel id which may be converted into an actual channel number or program identification (column 7, lines 19-46, column 8, lines 22-34, figure 7).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the object classes of Clanton to include the descriptive objects of Finseth, thus enabling a user to readily identify a local channel by call sign and aide in the selection of programming.

Regarding claims 8, 18, and 26, Clanton discloses that there is a dynamic relationship between the content selected by the user and the selection of the virtual world (column 12, lines 1-14).

Regarding claims 9, 19, and 27, Clanton discloses a number of virtual worlds.

Clanton fails to disclose a virtual world displayed in a matrix of virtual boxes.

Finseth discloses in figure 7, a matrix of rectangular boxes, which a user may use to view future programming, the layout provides an intuitive interface as users are accustomed to reading from top to bottom (column 16, lines 14-19).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Clanton to utilize a matrix of rectangular boxes as taught by Finseth, thus providing an intuitive layout as viewers are accustomed to reading from top to bottom.

Regarding claim 12, Clanton discloses the use of STB 24 in figure 1 which includes a memory 54 (Figure 3, column 6, lines 35-39, column 7, lines 6-18).

Regarding claim 14, Clanton discloses that the virtual worlds contain a plurality of objects, each object linked to an item to display (column 8, lines 48-61, Figures 5 and 8).

Regarding claim 20, Finseth discloses a 3d enabled electronic program guide (Figure 8a/b, column 16, lines 32-34), a user may select the style of the guide they wish to utilize (column 20, lines 57-59)

A receiver 64 receives EPG information from an EPG data transmitting system (column 5, line 33-38, line 60-column 6, line 38). Finseth inherently includes drivers as drivers are required in order to communicate with a hardware device..

Finseth fails to disclose a plurality of virtual worlds and a presentation engine, which enables a user to choose a virtual world according to preference.

Clanton discloses a plurality of objects (column 7, lines 13-18), one class of objects providing the plurality of virtual worlds a user views (column 7, lines 13-18, column 10, lines 26-29, Figure 4, archive 71, critics café 92, poster wall 80)

a presentation engine, which enables a user to choose a virtual world according to preference (column 8, lines 3-19, 48-column 9, line 64), an intuitive interface, which is fun and interesting to use, is provided (column 2, lines 30-33).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Finseth to utilize a plurality of words that a user may select as taught by Clanton, thus providing an intuitive interface, which is fun and interesting.

Regarding claims 28-30, Clanton discloses that a user may choose a virtual world to display programming information (column 10, lines 34-43). Clanton inherently enables a programmer to choose a virtual world to display programming information, as a programmer is required to create the user interface and designate which module within the interface would carry and display the programming information.

2. Claims 6, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,754,906 to Finseth in view of U.S. Patent 5,745,710 to Clanton in further view of U.S. Patent 5,850,218 to LaJoie.

Regarding claims 6, 16, and 24, Finseth discloses an EPG.

Finseth and Clanton do not disclose that the object class containing the psuedo descriptive language included localized aspects.

LaJoie discloses an EPG Figure 16, in which a location station ID name 370 is associated with a channel number 372, a service table 103, utilized by the terminal identifies a channel source, and its corresponding descriptive information such as call sign or logo by referring to column 125 within table 103 (column 16, lines 29-51).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Finseth and Clanton to include localized information as taught by LaJoie, thus enabling a user to easily recognize a local channel by its station ID name.

3. Claims 7, 17 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,754,906 to Finseth in view of U.S. Patent 5,745,710 to Clanton in further view of U.S. Patent 6,240,555 to Shoff.

Claims 7, 17 25, Finseth discloses in Figure 9, an operating menu 124 in which a user may purchase items through an electronic catalog (column 20, lines 23-30).

Finseth and Clanton fail to disclose a number of non-EPG objects including interaction objects used for e-commerce conflated with one or more virtual worlds.

Shoff discloses an EPG in which a user may activate an interactive mode (virtual world) which is thematically related to a television program, in Figures 8b/c, a user may activate a button 220 which allows a user to open a merchandise catalog and order a product (column 10, lines 34-58, column 11, lines 3-11, 39-44, column 12, lines 7-23).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Finseth and Clanton to include the e-commerce mode of Shoff thus allowing a user to purchase products related to a virtual world, and providing an increased sales opportunity by taking advantage of a user's affinity to the virtual world.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,681,395 to Nishi: Template Set for Generating a Hypertext for Displaying a Program Guide and Subscriber Terminal with EPG Function Using Such Set Broadcast from Headend.

U.S. Patent 5,905,492 to Straub: Dynamically Updating Themes for an Operating System Shell.

U.S. Patent 6,662,177 to Martino: Search User Interface Providing Mechanism for Manipulation of Explicit and Implicit Criteria.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHRIS GRANT
PRIMARY EXAMINER